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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the 19th meeting
Held at the Palais Wilson, Geneva, on Friday, 9 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Czech Republic (E/C.12/CZE/2; HRI/CORE/CZE/2010; E/C.12/CZE/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table*

2. **Ms. Baršová** (Czech Republic) said that she would report on progress in implementing the Covenant. In 2009, the Government had enacted a law against discrimination — both direct and indirect — in employment, social protection, health care, housing and education. In the area of gender equality, the Government Council for Equal Opportunities for Women and Men, made up of civil society representatives, participated in the design of priority measures in that field adopted each year and in the monitoring of their implementation. The new Government's main focus was on increasing the proportion of women in decision-making positions and eliminating gender pay gaps and domestic violence. The mandate of the Public Defender of Rights — or Ombudsman — had been gradually expanded, with human rights issues now being dealt with at the highest levels of government following the replacement of the Commissioner for Human Rights with a Minister for Human Rights and Equal Opportunities. The Social Inclusion Strategy for 2014–2020 established the general anti-poverty policy and set out specific objectives. The Strategy included various action plans for vulnerable groups, such as children, older persons, persons with disabilities and the homeless. A strategy had also been developed on the social integration of Roma and the promotion of their rights.

3. Owing to the economic crisis, austerity measures had been introduced in 2011/12, in particular with a view to rationalizing social spending and preventing benefit fraud. After analysing the results achieved, adjustments would probably be made, including increasing, in the short term, the minimum wage to 40 per cent of the average wage and reintroducing, from 2015, full indexation of retirement pensions. In the area of health, new laws had been passed with a view to modernizing health-care standards and taking better account of patients' rights, including the rights of persons with disabilities, in particular by recognizing the principle of free and informed consent. Policies to deinstitutionalize persons with psychosocial disabilities and reforms to improve access to medical care and ensure the health system's financial sustainability were continuing. Access to education for all, which was essential for the country's development, was promoted through free primary and secondary education and scholarships. Specific education programmes were provided for pupils with special needs arising from their disabilities or social disadvantages. Although high, the proportion of Roma children in special education was decreasing.

4. **Ms. Cong** (Country Rapporteur) asked whether the State party was planning to ratify the Optional Protocol and seek accreditation for the Office of the Ombudsman from the International Coordinating Committee of National Human Rights Institutions. She would also like details concerning the Covenant's incorporation into the domestic legal order. She asked about the effects of austerity measures on social security, of measures to combat discrimination against Roma, persons with disabilities and asylum seekers and of mental health and minority rights policies. Referring to paragraph 15 of the State party's replies to the list of issues (E/C.12/CZE/Q/2/Add.1), she asked for further information on relations between Roma and the rest of the population and on the results of the Crime Prevention Strategy.

Articles 1 to 5 of the Covenant

5. **Mr. Atangana** asked whether courts other than those mentioned in the State party's reply to the first question of the list of issues could invoke the Covenant. He also wished to know whether the State party had reconsidered its position since the Committee's previous concluding observations and now recognized the justiciability of the right to adequate housing, as a recent ruling by the Constitutional Court seemed to indicate.

6. **Mr. Dasgupta** asked what measures the State party was intending to take to increase its contribution to official development assistance (ODA) from the current 0.12 per cent to 0.7 per cent of gross national income.

7. **Mr. Schrijver** enquired about areas of potential conflict between the Covenant and domestic legislation. He wished to know the extent to which the State party promoted economic, social and cultural rights — and human rights in general — in its development assistance programmes.

8. **Ms. Shin** asked whether the Ombudsman's mandate extended to the private sector and in what way it failed to comply fully with the Paris Principles. She noted that the many statistics provided did not reflect the current state of discrimination and made no mention of cases of sexual harassment or discrimination based on sex, something which might indicate a failure of the legal system. She would like more information on the definition of discrimination contained in the 2009 law and on the results of the enforcement of the law. She asked why the State party did not use temporary special measures to accelerate de facto equality between men and women, as provided for by the International Convention on the Elimination of All Forms of Discrimination against Women.

9. **Mr. Sadi** asked whether the 2009 law properly covered the grounds of discrimination set out in article 2, paragraph 2, of the Covenant and what penalties the perpetrators of discriminatory acts were subject to. He would like to know what obstacles to social integration the Roma faced, how the Council for National Minorities functioned in practice, how the Covenant's application was ensured at the regional level, what the results of the austerity measures had been and their impact on the enjoyment of rights, whether the State party provided human rights education in accordance with the principles of the United Nations and the provisions of the Covenant and the reasons why the Office of the Ombudsman did not fully meet the Paris Principles.

10. **Ms. Bras Gomes** asked to what extent the public authorities implemented the recommendations made by the Office of Ombudsman after consideration of the complaints of discrimination submitted to it. She drew the delegation's attention to the Committee's general comment No. 20, which extended the grounds of discrimination to gender identity and economic and social situation, and which might guide the development of a national anti-discrimination framework law.

Articles 6 to 9 of the Covenant

11. **Mr. Ribeiro Leão**, referring to paragraphs 142 and 153 of the State party's report (E/C.12/CZE/2), asked the delegation to define, using examples, the "legal and other regulations" governing safety and health protection at work, and to indicate the number of hours of work per working day.

12. **Mr. Schrijver** said that he would like to know whether the increase in youth unemployment, despite an active employment policy, was the result of austerity measures or other factors. He asked whether a change of policy was possible and feasible.

13. **Ms. Shin** wished to know what the Government was doing to combat gender role stereotypes and asked whether a mechanism existed to ensure equal pay for work of equal value.

14. **Ms. Bras Gomes** asked about the results of policies adopted by the Government to increase labour flexibility. She invited the delegation to provide more information on the adverse affects of the new labour law on the protection of certain groups of workers, in particular young workers. She also asked for further information on the rules governing social security that the Government was planning to apply from 2015. She noted that sickness benefits had been cut by 60 per cent and asked whether the protection of sick people had suffered as a result. She observed that, by cutting the budget of the non-contributory scheme, the Government had shifted from a human rights-based approach to a material needs-based approach.

The meeting was suspended at 11.05 a.m. and resumed at 11.30 a.m.

15. *Mr. Ribeiro Leão (Vice-Chairperson) took the chair.*

16. **Ms. Baršová** (Czech Republic) said that in January 2014 the Government had undertaken to guarantee economic, social and cultural rights on an equal footing with civil and political rights. The Czech Republic had a well-developed system designed to facilitate the participation of minority groups. In fact, there were Government councils dealing with different minorities, such as persons with disabilities and Roma, and made up of representatives of the Government and of the minorities concerned. The Government thus took account of the situation of vulnerable groups when adopting its policies.

17. **Ms. Machačka** (Czech Republic) said that the international instruments ratified by the Czech Republic took precedence over domestic legislation and that most of the Covenant rights were provided for by the Charter of Fundamental Rights and Basic Freedoms of the Czech Republic (the Charter). The Constitutional Court ensured the compliance of laws with the Constitution, the Charter and the international instruments ratified by the Czech Republic. In 2000, the Constitutional Court ruled that the right to housing, although not established under the Charter, should be guaranteed. It was the case that decisions handed down by the lower courts were not monitored centrally, but those courts were nonetheless bound to respect the international instruments ratified by the Czech Republic.

18. Over the years, the mandate of the Office of the Ombudsman, established in 1999, had been extended to include a growing number of human rights protection activities. The Office of the Ombudsman was, amongst other things, the monitoring mechanism established under the Convention against Torture and the national organ responsible for combating discrimination. It was empowered to open investigations, on request or on its own initiative. The authorities were obliged to collaborate with it. It should also be noted that the Act on the Public Defender of Rights was currently being revised and that the Government was considering bringing that institution into line with the Paris Principles.

19. Anti-discrimination legislation passed in 2009 complied with relevant European legislation and covered the following grounds of discrimination: race, ethnic origin, nationality, sex, gender, sexual orientation, gender identity, age, belief and disability. All the grounds of discrimination set out in the Covenant were contained in the Charter. Under that legislation, discrimination included direct and indirect discrimination, harassment, incitement to discrimination and denial of reasonable accommodation for persons with disabilities. Victims of discrimination could bring cases before the courts in order to have their rights restored and claim compensation.

20. **Ms. Baršová** (Czech Republic) said that the Government had decided to conduct widespread campaigns to counter discrimination against Roma, targeting mainly young people and the regions most affected by poverty and unemployment. Government efforts to promote the inclusion of Roma had not yet yielded the expected results, owing mainly to prejudice in society and the Roma's distrust of the Czech authorities. However, various initiatives had been taken at the regional and the European Union levels in that area. The

main body responsible for monitoring the situation of minorities living in the Czech Republic was the Council for National Minorities, consisting of representatives of 14 minorities, including the Roma minority, which met at least four times a year.

21. **Mr. Štěpaník** (Czech Republic) said that, in order to combat racially-motivated crimes, the Government had implemented a strategy to fight extremisms. Thanks to close collaboration between the Ministry of the Interior, the police and intelligence services, most members of neo-Nazi groups had been identified and convicted. In the event of demonstrations by extremists, the police was charged with preventing clashes between extremists and opponents and protecting inhabitants.

22. **Mr. Korčák** (Czech Republic) said that the Criminal Code provided penalties for defamation based on race, nationality and ethnic origin, discrimination against a group and failure to observe the rights and freedoms of a particular group. Motivation based on race, beliefs, political opinion or hatred constituted aggravating circumstances for all offences.

23. **Mr. Velek** (Czech Republic) said that his Government remained committed to ensuring that official development assistance reached 0.7 per cent of gross national income. That goal would, however, be reached later than anticipated. The Government had reformed the system of official development assistance in order to make it more effective and more targeted. Policies in that area were developed by the Ministry of Foreign Affairs and programmes were implemented and monitored by the Czech Development Agency, established in 2008. In 2013, the Czech Republic had been one of the first countries to join the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD). As part of its development strategy for 2010–2017, his Government was carrying out development projects in various countries in order to strengthen good governance and the education system. It had also developed a transition promotion programme based on its experience in the transition to democracy, respect for human rights and the rule of law. The programme, which consisted of various Covenant-related projects, was managed by the Ministry of Foreign Affairs and implemented by non-governmental organizations.

24. **Ms. Baršová** (Czech Republic) said that Czech society was reluctant to apply temporary positive discrimination measures in favour of women. In fact, in certain sectors, in particular the judicial system, where 61 per cent of judges were women, such measures were unnecessary. However, it was true that women were the victims of horizontal segregation, since few women held positions of responsibility and they were poorly represented in Parliament. In order to address that problem, the Government was considering, among other things, introducing a quota system in order to increase women's participation in decision-making.

25. **Mr. Machačka** (Czech Republic) said that the regions and municipalities were obliged to comply with Czech law, of which the Covenant was an integral part. The Charter of Fundamental Rights and Basic Freedoms prohibited discrimination on the grounds of race, colour, faith, religion, national, ethnic or social origin or any other ground or status. Disability was not expressly cited as a ground of discrimination, but it was covered by the phrase "any other ground or status".

26. **Ms. Růžková** (Czech Republic) said that human rights were taught as part of civic education — compulsory at the primary and secondary levels — the aim of which was to instil in children respect for others and the importance of human rights protection. The Government had established an effective network of primary prevention of risk behaviour, consisting of experts who were working to prevent racism, discrimination and school bullying by focusing on interpersonal relations.

27. **Ms. Baršová** (Czech Republic) said that judges, police officers and teachers received human rights training as part of their studies, that campaigns were conducted to

raise awareness among vulnerable groups of their rights and that the Government was currently preparing a campaign to prevent discriminatory behaviour and hate speech among young people, as well as a campaign to combat violence against women.

28. **Ms. Cong** said that she would like to know the budget allocation for the National Action Plan for Inclusive Education and the Strategy to Combat Social Exclusion and the time frame for their implementation. She requested further information on the programmes undertaken by the Agency for Social Inclusion to assist the 164 municipalities identified as being Roma exclusion neighbourhoods and the results of those programmes.

29. **Ms. Shin** said that it was not discriminatory to adopt temporary special measures, such as quotas, to promote women's access to positions of responsibility. However, to prevent such measures from being negatively perceived by the public, the State party must be careful not to apply different selection criteria for men and women and not to favour women who were less qualified than men. However, women with the same qualifications as men should be given preference.

30. **Ms. Bras Gomes** noted that, generally speaking, the more explicitly anti-discriminatory legislation was, the better the protection for rights would be. It was therefore preferable for disability to be explicitly included as a ground of discrimination.

31. **Ms. Baršová** (Czech Republic) took note of Ms. Shin's advice on promoting gender equality. She explained that the National Action Plan for Inclusive Education and the Strategy to Combat Social Exclusion implemented by Agency for Social Inclusion had no specific budgets allocated to them. The aim of those instruments was simply to transfer the know-how that municipalities needed to work more effectively and to improve the social inclusion of excluded population groups. The Agency also assisted municipalities in establishing contacts with the European Social Fund and the European Social Integration Fund with a view to requesting financial support for their projects. The number of social exclusion neighbourhoods had in fact risen from 330 to 400 since 2006. Attempts to improve the situation had not been conclusive as yet and the Government would have to continue working to include Roma and population groups at risk.

Articles 10 to 12 of the Covenant

32. **Mr. Atangana** asked whether, as part of its programme to combat domestic violence, the State party conducted awareness campaigns to encourage victims to lodge complaints.

33. **Mr. Pillay** enquired about the measures taken by the State party to prevent tenants evicted from their homes for non-payment of rent from becoming homeless, the extent of homelessness and the population groups most affected. He wished to know why the State party had taken so long to increase the supply of social housing units, while the Committee had recommended that it took that action in 2002.

34. **Ms. Ravenberg** said that she would like to know which migrant groups were not covered by the public health insurance system, how many people were excluded from the system and what measures the State party was taking to ensure access to adequate health care for long-term residents and vulnerable persons (children, older persons, deaf mutes, persons suffering from mental illnesses, HIV-positive individuals and persons suffering from cancer).

35. **The Chairperson**, speaking in his capacity as a Committee member, asked what the State party understood by the phrase "pathological social phenomena" contained in paragraph 204 of the report, and whether the measures described in paragraphs 220 to 246 were part of a comprehensive anti-poverty programme.

36. **Ms. Bras Gomes** noted that a much higher number of women than men had part-time jobs and asked whether the provision of childcare facilities was sufficient. She observed that persons with intellectual and psychosocial disabilities did not benefit from the State party's deinstitutionalization policy on an equal footing with persons with physical disabilities and she expressed regret that older persons were totally excluded from it. She would welcome the delegation's viewpoint on that matter.

37. **Ms. Cong** said that she would like to know whether persons suffering from mental illnesses who were hospitalized of their own free will were able to refuse recommended treatment and leave hospital when they wished. She asked what the State party was doing to reduce the rates of suicide and early pregnancies among young people and what anti-alcohol and anti-tobacco measures it had taken.

Articles 13 to 15 of the Covenant

38. **Mr. Marchán Romero** asked whether the State party was able to ensure that minority children were provided with education in their mother tongue without creating a system based on segregation. He would like to know the reason for the presence of such a large Vietnamese minority in the State party despite the great distance from Viet Nam and whether that minority had been able to integrate into Czech society without losing its cultural identity.

39. **Ms. Ravenberg** asked whether the State party was planning to enact legislation prohibiting segregation in education on the grounds of disability and legislation establishing the right of children with disabilities to receive inclusive education. She also wished to know whether the Government had taken political and financial measures to ensure that children with disabilities could be catered for in ordinary schools.

40. **Ms. Cong** asked how the State party ensured that "people originating from [a] socially and culturally disadvantaged environment" (para. 89 of the State party report) participated in cultural life.

41. **Ms. Shin** enquired about the measures taken by the State party to fight prejudice against persons with disabilities and asked whether it set annual targets for integrating children with disabilities into ordinary schools.

42. **Ms. Bras Gomes** said that it was her understanding that a large number of measures provided for under the National Plan of Action for Inclusive Education had been delayed or abandoned. She therefore wished to know how the State party ensured that Roma were able to progress economically and socially.

43. **Mr. Mancisidor** invited the State party to provide, in its next periodic report, information on measures taken to implement the provisions of paragraph 15 (b) of the Covenant. He asked whether the Government was aware of statistics published by the OECD indicating that women were not only underrepresented in decision-making positions in the scientific field but were reportedly losing ground, given that they had held 28.5 per cent of positions 10 years ago, compared with 28.2 per cent now.

44. **Mr. Kerdoun** said that he would like to know whether the new Education Act had actually abolished special schools at the elementary level and whether preparatory classes for children from the Roma minority and those from socially and culturally disadvantaged environments had been set up at the preschool level or at the beginning of compulsory education. In the latter case, it would mean that the children concerned had an extra year's schooling.

The meeting rose at 1 p.m.